

HOUSE BILL 1031

E2
HB 178/11 – JUD

2lr0336
CF SB 925

By: **Delegates Alston and Vallario**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2012

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Right of Appeal from Final Judgments – Conditional**
3 **Guilty Plea**

4 FOR the purpose of providing that an appeal from a final judgment entered following a
5 conditional plea of guilty may be taken in accordance with the Maryland Rules;
6 defining a certain term; and generally relating to the right of appeal from final
7 judgments in criminal cases.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 12–302(e)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 12–302.

17 (e) **(1) IN THIS SUBSECTION, “CONDITIONAL PLEA OF GUILTY”**
18 **MEANS A GUILTY PLEA WITH WHICH THE DEFENDANT PRESERVES IN WRITING**
19 **ANY PRETRIAL ISSUES THAT THE DEFENDANT INTENDS TO APPEAL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2)** [Section] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
2 **SUBSECTION, § 12–301** of this subtitle does not permit an appeal from a final
3 judgment entered following a plea of guilty in a circuit court. Review of such a
4 judgment shall be sought by application for leave to appeal.

5 **(3)** **AN APPEAL FROM A FINAL JUDGMENT ENTERED FOLLOWING**
6 **A CONDITIONAL PLEA OF GUILTY MAY BE TAKEN IN ACCORDANCE WITH THE**
7 **MARYLAND RULES.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.